

STATUS OF THE CLAIMS

Claims 1-24 were originally filed in the patent application. In response to the first office action dated 02/28/2007, an amendment was filed on 05/29/2007 that cancelled claims 3, 9, 15-16, 18, and 20-21 and amended claims 1, 4, 8, 10, 14, and 19. In response to the final office action dated 08/24/2007, an RCE and amendment were filed on 11/26/2007 that cancelled claims 1-2, 6-8, 12-14, 17, and 23-24 and amended claims 4, 10 and 19. In the pending office action dated 02/20/2008, claims 4-5, 10-11, 19 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,136,800 to Vega in view of U.S. Patent No. 7,146,492 to Circenis *et al.* (hereinafter “Circenis”). No claim was allowed. In this amendment, claims 4-5, 19 and 22 have been cancelled and claims 10 and 11 have been amended. Claims 10-11 are currently pending.

REMARKS

Rejection of claims 4-5, 10-11, 19 and 22 under 35 U.S.C. §103(a)

The examiner rejected claims 4-5, 10-11, 19 and 22 under 35 U.S.C. §103(a) as being unpatentable over Vega in view of Circenis. Claims 4-5, 19 and 22 have been cancelled herein, and therefore need not be addressed. The remaining claims in this group, namely claims 10 and 11, have been amended herein to recite additional steps that clearly distinguish over the cited art.

In rejecting claim 10 in the pending office action, the examiner reads col. 6 lines 1-12 on the minimum resource specification for each of the plurality of logical partitions. Note, however, the guaranteed minimum capacity fraction in Vega is only assigned to the most critical of the virtual machines of the computer system. See Vega at col. 6 lines 39-43. This means some of the virtual machines are not assigned a guaranteed minimum capacity fraction. For this reason, the guaranteed minimum capacity fraction taught in Vega cannot read on the minimum resource specification in claim 10 that is defined for

all of the logical partitions and that specifies minimum resources that must be available for a corresponding logical partition to function correctly.

In addition, claim 10 as amended herein recites:

. . . one of the plurality of logical partitions requesting to increase a minimum resource specification corresponding to the one logical partition;

. . .

In Vega, the guaranteed minimum capacity fractions must be entered manually.

See Vega at col. 6 lines 26-27. This expressly teaches away from a logical partition requesting to increase its minimum resource specification. Claim 10 includes other limitations that clearly distinguish over the combination of Vega and Circenis. As a result, claim 10 is allowable over the combination of Vega and Circenis. Claim 11 depends on claim 10, which is allowable for the reasons given above. As a result, claim 11 is allowable as depending on an allowable independent claim. Applicant respectfully requests allowance of claims 10 and 11.

Conclusion

In summary, none of the cited prior art, either alone or in combination, teach, support, or suggest the unique combination of features in applicant's claims presently on file. Therefore, applicant respectfully asserts that all of applicant's claims are allowable. Such allowance at an early date is respectfully requested. The Examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

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